

## **REMARKS/ARGUMENTS**

### **I. General Remarks**

Please consider the application in view of the following remarks.

### **II. Disposition of Claims**

Claims 1-22 and 24-39 are pending in this application. Claims 1, 6-8, 13-15, 21, 24, 26-28, and 36-39 are canceled herein. Claim 23 was canceled previously.

### **III. Allowable Claims**

Applicants acknowledge with appreciation that the Examiner has advised that claims 2-5, 9-12, 16-20, 22, 25, and 29-35 are allowable over the art of record

### **IV. Rejection of Claims under 35 U.S.C. § 103**

The Examiner has maintained rejection of claims 1, 6-8, 13-15, 21, 24, and 26-28, as obvious from U.S. Patent No. 4,777,200 to Dymond in view of U.S. Patent No. 6,006,831 to Schlemmer. The Examiner has stated:

Dymond teaches an invert emulsion (Abstract) drilling fluid (Column 1 Lines 8-14) within the scope of the present invention, which comprises copolymers having 25 to 100% of a polar hydrophobic monomer (Abstract and Column 6 Lines 40-63) such as the claimed 2-ethylhexyl acrylate (Column 7 Lines 19-23) and 0 to 20% of a hydrophilic monomer (Column 7 Lines 19-23) such as acrylic acid (Column 7 Lines 56-64) and that the copolymer may be in the form of particles coated with a hydrophilic coating (Column 7 Lines 23-33).

Dymond, while teaching mineral oil, does not disclose expressly the use of a synthetic oil.

Schlemmer discloses a wellbore treatment fluid comprising any of aliphatic or aromatic mineral oils or synthetic hydrocarbons such as paraffins or olefins (Schlemmer Column 8 Lines 55-67.)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to replace the mineral oil taught by Dymond with the synthetic paraffins or olefins of Schlemmer. The rationale to do so would have been the motivation provided by the teaching of Schlemmer that the mineral oils of Dymond are functional equivalents to the synthetic paraffins and olefins taught by Schlemmer (Schlemmer Column 8 Lines 55-67).

Since Dymond and Schlemmer combine to teach the same composition as claimed, one of ordinary skill in the art at the time the invention was made would have expected that the progressive gel and stress build behavior, suspension, fluid loss control, filtration control, thickening, yield and sag behavior and viscosity of the Dymond composition would inherently be the same as claimed. If there is any difference between the product of Dymond and the product of the instant claims the difference would have been minor and obvious.

Applicants respectfully traverse these rejections for the reasons stated in response to previous office actions discussing these references, for the reasons provided in Applicants' specification discussing the Dymond reference, and for the further reasons set forth below.

Applicants appreciate that the Examiner considers Dymond to be the closest prior art. Applicants share this view and for this reason provided comparative and distinguishing data in their patent application.

Nevertheless, to expedite issuance of a patent, Applicants have canceled the rejected claims herein. Applicants respectfully reserve the right to present claims similar to the canceled claims for further prosecution in a continuation patent application.

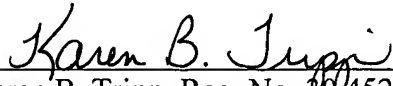
Applicants respectfully submit that the application as amended is now in condition for allowance.

### **SUMMARY**

Applicants respectfully submit that all of the pending claims, as amended herein, are in condition for allowance and Applicants respectfully request the Examiner to allow the application to proceed to issue.

Respectfully submitted,

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Karen B. Tripp, Reg. No. 30,452  
Attorney at Law  
P.O. Box 1301  
Houston, Texas 77251-1301  
(713) 658-9323 phone  
(713) 658-9410 fax  
[ktripp@tripplaw.com](mailto:ktripp@tripplaw.com) e-mail

cc: Craig W. Roddy, Esq.